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JC 839 U.S. PTO  
09/768535

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 9469-4 DI2  
Anticipated Classification of this application:  
Class 705 Subclass 30

Prior application:  
Examiner: Nicholas D. Rosen  
Art Unit: 2764

jc 839 U.S. PTO  
09/768535  
01/24/01

Box Patent Application  
Director of the U.S. Patent  
and Trademark Office  
Washington, D.C. 20231

**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

**WARNING:** A CIP (continuation-in-part) application or an application naming an inventor not named on the prior application must be filed under this procedure (37 CFR 1.53(b)).

**WARNING:** The filing of an application at the United States stage of an International Application requires an oath or declaration. 37 CFR 1.51(a)(2).

**WARNING:** The claims of this new application may be finally rejected in the first Office action where all claims of the new application are drawn to the same invention claimed in the earlier application and would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. MPEP §706.07(b).

This is a request for filing under the continuing application procedure, **37 CFR 1.53(b)**, for a

- Continuation  
 Divisional  
 Continuation-in-part

application.

**NOTE:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing (37 CFR 1.10(b))

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10	
EXPRESS MAIL Mailing Label Number: <u>EL682452071</u>	
Date of Deposit: <u>1/24/01</u>	
I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL - POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and addressed to: Commissioner for Patents, Washington, D.C. 20231.	
<u>Katrina Lynn</u> Signature of person mailing paper	
<u>Katrina Lynn</u> Type or print name of person	

### **Particulars of Prior Application**

A. Application Serial No. 09/310,355, filed May 12, 1999

B. Title PRINTED MEDIUM ACTIVATED INTERACTIVE COMMUNICATION

C. For \_\_\_\_\_

### **1. Copy of Application**

The copy of the papers of the prior application which are attached are as follows:

50 page(s) of specification

10 page(s) of claims

1 page(s) of abstract

2 sheet(s) of drawing

*(Also complete part 7 below if drawings are to be transferred)*

3 pages of declaration and power of attorney

NOTE: 37 CFR 1.53(b) permits the omission of a declaration only if the prior application was complete as set forth in 37 CFR 1.51(b). According to 37 CFR 1.51(b) a prior complete application comprises: (1) a specification as prescribed under 35 U.S.C. 112, including a claim or claims, (2) an oath or declaration, (3) drawings, when necessary and (4) the prescribed filing fee. According to 37 CFR 1.53(f), if an application has been granted a filing date but the filing fee is not timely paid, oath or declaration is missing, or the processing and retention fee required by 37 CFR 1.21(l) has not been paid within one year of the date of mailing of a notification of missing parts, the application may be disposed of.

NOTE: A newly executed oath or declaration under 1.51(b)(2) and 1.53(f) is not required in a continuation or divisional application under 37 CFR 1.53(b) provided that (i) the prior nonprovisional application contains an oath or declaration as prescribed by [37 CFR 1.63(a) through (c)]; the continuation or divisional application was filed by all or fewer than all of the inventors named in the prior application; (iii) the specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and (iv) a copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application. [37 CFR 1.63(d)(1)]

NOTE: Under 37 CFR 1.53(b) practice, you do not have to verify that the copy provided is a true copy of the previous application. However, if the present application is not a true copy of the prior application, it is recommended that the specification be amended in Section 9 to incorporate by reference the prior application.

NOTE: For a CIP application, the specification **MUST** be a new specification. **DO NOT** submit a copy of the old specification with a preliminary amendment adding the new matter.

## **2. Amendments**

**WARNING:** "The claim of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application." MPEP §706.07(b).

- Cancel in this application original claims 1-20 and 30-37 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered **original** claim in the prior application.)

## **3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

**NOTE:** Where it is possible that the claims on file will give rise to a first action final for this continuing application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary.

*(check the next item, if applicable)*

- There is provided herein a Petition To Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently).

## **4. Information Disclosure Statement**

*(check this item, if applicable)*

- An information disclosure statement is submitted herewith.

**NOTE:** An Information Disclosure Statement in a parent application DOES NOT carry over into a continuation, divisional, or CIP application. A new Information Disclosure Statement (IDS) must be filed. However, pursuant to 37 CFR 1.98(d), copies of the references cited on the IDS do not need to be resubmitted provided that the prior parent application is properly identified in the IDS and relied upon under 35 U.S.C. § 120.

## 5. Fee Calculation (37 CFR 1.16)

NOTE: The filing fee for a continuation or divisional application is based on the number of claims remaining in the application after entry of any preliminary amendment and entry of any amendments under 37 CFR 1.116 unentered in the prior application which is requested to be entered in this continuing application.

CLAIMS FOR FEE CALCULATION			
Number filed	Number	Extra Rate	Basic Filing Fee =
Total Claims (37 C.F.R. 1.16(c))	9-20=0	x \$ 18.00	\$
Independent Claims (37 C.F.R. 1.16(b))	1-3=0	x \$ 80.00	\$
Multiple Dependent Claims(s), if any (37 C.F.R. 1.16(d))		\$270.00	\$

Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation \$ 710.00

## 6. Small Entity Status

Applicant asserts that it is entitled to Small Entity Status pursuant to 37 CFR 1.27.

Filing fee calculation (50% of above) \$355.00

NOTE: 37 CFR 1.28(a)(2) states "Status as a small entity must be specifically established in each application in which the status is available and desired." Where a statement has been filed in the parent application, Applicant is required to revisit its small entity status before filing this continued prosecution application.

## 7. Drawings

**WARNING:** Do not check the following box if prior case is not to be abandoned.

- Transfer the drawings from the prior application to this application and, subject to item 17 below, abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. *(May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee.)*

NOTE: "A registered attorney or agent acting under the provisions of §1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application, when filing such a continuing application." 37 CFR 1.136.

- Transfer the following sheet(s) of drawing from the prior application to this application \_\_\_\_\_  
\_\_\_\_\_.

NOTE: Transferred sheets must be cancelled in prior application.

- A **copy** of the amendment cancelling these sheets of drawing in the prior application is attached.
- New drawings are enclosed
- formal
- informal

**WARNING:** **DO NOT** submit original drawings. A high quality copy of drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards of §1.84. If corrections to the drawings are necessary, they should be made to the original drawings and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1090 O.G. 57-62).

NOTE: "Identifying indicia such as the serial number, group art unit, title of the inventor, attorney's docket number, inventor's name, number of sheets, etc. not to exceed 2½ inches (7.0 cm.) in width may be placed in a centered location between the side edges within three fourths inch (19.1 mm.) of the top edge. Either this marking technique on the front of the drawing or the placement, although not preferred, of this information and the title of the invention on the back of the drawings is acceptable." Proposed 37 CFR 1.84(1). Notice of March 9, 1988 (1090 O.G. 57-62).

## 8. Priority -- 35 U.S.C. 119

- Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119.
- The certified copy has been filed in prior U.S. application Serial No. 0\_\_\_\_\_/\_\_\_\_\_ on \_\_\_\_\_.
- The certified copy will follow.

## 9. Relate Back -- 35 U.S.C. 120

- [] Amend the specification by inserting before the first line in the specification: "This is a  
[] continuation  
[] divisional  
[] continuation-in-part  
of copending application(s)  
[] Serial No. 09/310,355 filed on May 12, 1999  
[] International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S.  
which is incorporated herein by reference in its entirety."

NOTE: The proper reference to a prior filed PCT application which entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application which designated the U.S.

## 10. Inventorship Statement

NOTE: If the continuation or divisional application is filed by less than all the inventors named in the prior application a statement **must** accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation or divisional application. 37 CFR 1.63(d)(2) [emphasis added].

*(complete appropriate items (a) and (b))*

- (a) With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120, the inventor(s) in this application is (are):  
[] the same  
[] less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

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(Type name(s) of inventor(s) to be deleted)

- (b) The inventorship for all the claims in this application are  
[] the same  
[] not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

## 11. Assignment

- The prior application is assigned of record to  
Silicon Stemcell, LLC
- The prior assignment was recorded at the PTO on 11/08/1999, Reel 010370, Frames 0493 and included assignment of all continuation and divisional applications in and to the invention.
- An assignment of the invention to \_\_\_\_\_ is attached. A separate "ASSIGNMENT COVER LETTER ACCOMPANYING NEW PATENT APPLICATION" is also attached.

NOTE: "If an assignment is submitted with a new application, send two separate letters - one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

## 12. Fee Payment Being Made At this Time

- Not Enclosed
- No filing fee is submitted. (*This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.*)
- Enclosed
- |   |          |
|---|----------|
| <input type="checkbox"/> basic filing fee   | \$ _____ |
| <input type="checkbox"/> recording assignment<br>(\$40.00; 37 CFR 1.21(h))                      | \$ _____ |
| <input type="checkbox"/> processing and retention fee<br>(\$130.00; 37 CFR 1.53(b) and 1.21(l)) | \$ _____ |

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(b) and this, as well as the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, the prior application must be complete and that the oath or declaration must be submitted and the basic filing fee must be timely paid, or else the processing and retention fee of §121(l) must be paid within 1 year from notification under §53(b).

Total fees enclosed \$ \_\_\_\_\_

## 13. Method of Payment of Fees

- enclosed is a check in the amount of \$ \_\_\_\_\_
- charge Account No. 19-1135 in the amount of \$ 395.00. A duplicate of this request is attached.

NOTE: Fee should be itemized in such a manner that is clear for which purpose the fees are paid. 37 CFR 1.22(b).

## 14. Authorization To Charge Additional Fees

**WARNING:** If no fees are being paid on filing do not complete this item.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claim charges are authorized.

The Director is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Account No. 19-1135.

- 37 CFR 1.16(a), (f) or (g) (filing fees)  
 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional fees, except possibly when dealing with amendments after final action.

- 37 CFR 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under §1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed." [emphasis added]. Notice of November 5, 1985 (1060 O.G. 27).

- 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311(b)).

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.31(b).

From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity. Notification of any change of status resulting in loss of entitlement to small entity status must be filed in the application prior to, or at the time of, paying the issue fee. 37 CFR 1.28(b)

- Please credit any overpayment with respect to the application to Deposit No. 19-1135.

## 15. Power of Attorney

The power of attorney in the prior application is to

Arthur H. Seidel, Reg. No. 15,979; Gregory J. Lavorgna, Reg. No. 30,469; Daniel A. Monaco, Reg. No. 30,480;  
Thomas J. Durling, Reg. No. 31,349 and John J. Marshall, Reg. No. 29,671

- a.  The power appears in the original papers in the prior application.
- b.  The power does not appear in the original papers, but was filed on November 9, 1999.
- c.  A new power has been executed and is attached.

Address all future communications to:

Gregory J. Lavorgna  
Seidel, Gonda, Lavorgna & Monaco, P.C.  
Suite 1800, Two Penn Center Plaza  
Philadelphia, PA 19102  
Tel.: (215) 568-8383

## **6. Maintenance of Copendency of Prior Application**

*(This item must be completed and the papers filed in the prior application if the period set in the prior application has run)*

- A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_.

NOTE: The PTO finds it useful if a **copy** of the petition filed in the prior application extending the term for response is filed with the paper constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

- A **copy** of the petition for extension of time in the prior application is attached.

## **17. Conditional Petition for Extension of Time in Prior Application**

*(complete this item and file conditional petition in the prior application if previous item not applicable)*

- a conditional petition for extension of time is being filed in the pending parent application.

NOTE: The PTO finds it useful if a **copy** of the petition filed in the prior application extending the term for response is filed with the paper constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

- A **copy** of the conditional petition for extension of time in the prior application is attached.

## **18. Abandonment of Prior Application (if applicable)**

**WARNING:** *(Do not complete this item if the application being filed is a divisional or continuation-in-part of a prior application which is not being abandoned)*

NOTE: "A registered attorney or agent acting under the provisions of §1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.

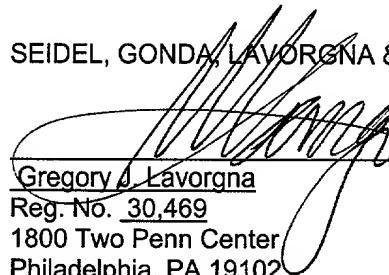
- Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

## **19. Notification in Parent Application of the Filing of this Continuation Application**

- A notification of the filing of this continuing application is being filed in the parent application from which this application claims priority under 35 USC §120.

Date: 23 January 2001

SEIDEL, GONDA, LAVORGNA & MONACO, P.C.

  
\_\_\_\_\_  
Gregory J. Lavorgna  
Reg. No. 30,469  
1800 Two Penn Center  
Philadelphia, PA 19102  
Tel. No.: (215) 568-8383  
Fax No.: (215) 568-5549  
Attorney of record

- Plus Assignment (Document) Cover Letter Accompanying New Patent Application